

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

SANJEEV LATH,

Plaintiff,

V.

No. 1:22-cv-11158-JEK

LLOYD J. AUSTIN III,

Secretary of Defense,

Defendant.

MEMORANDUM AND ORDER ADOPTING REPORT AND RECOMMENDATION

KOBICK, J.

On November 7, 2023, Magistrate Judge Levenson was assigned this case after both parties consented to proceed before a magistrate judge and District Judge Gorton referred the action. ECF 74-76. On July 23, 2024, plaintiff Sanjeev Lath moved to withdraw his prior consent and vacate the referral to Judge Levenson. ECF 118. One day later, Judge Levenson issued a Report and Recommendation to deny Lath's motion. ECF 119.

Neither party objected to the Report and Recommendation within the fourteen days permitted by Federal Rule of Civil Procedure 72(b)(2) and 28 U.S.C. § 636(b)(1)(C). Having carefully reviewed the plaintiff's motion and the Report and Recommendation, I agree with Judge Levenson's conclusion that Lath's motion should be denied because he fails to demonstrate the requisite "extraordinary circumstances" under 28 U.S.C. § 636(c)(4) and Federal Rule of Civil Procedure 73(b)(3) to vacate a referral to a magistrate judge. Accordingly, it is ORDERED that:

1. The Magistrate Judge's Report and Recommendation, ECF 119, is ADOPTED and INCORPORATED pursuant to 28 U.S.C. § 636(b)(1).

2. For the reasons stated in the Report and Recommendation, Plaintiff's motion to withdraw consent to jurisdiction and vacate reference to a magistrate judge, ECF 118, is DENIED.

3. This case remains referred to Magistrate Judge Levenson.

SO ORDERED.

/s/ Julia E. Kobick
Julia E. Kobick
United States District Judge

Dated: August 8, 2024